

### REMARKS

The invention of claim 1 as amended provides an electronic toy gun for a toy shooting game, in which there are a plurality of user-selectable game characters, each having differing predetermined characteristics such as weapons, armor rating, weapon speed rating, vulnerability, weapon beam range, and weapon beam width. The user inputs game data input corresponding to a selected character into a game data input device (such as a card reader). An infrared beam emitted by the toy gun is encoded according to the characteristics of the selected game character, so that an opponent can detect the characteristics of the game character.

As is recited in claim 1 as amended, the infrared beam is encoded differently for different user-selectable game characters.

Lebensfeld et al., U.S. Patent No. 6,261,180, discloses a computer-programmable toy shooting game in which the users can pre-select certain "functions and features" such as game function (opposing teams, hunted, return to base, every man for himself, etc.); team selection; download from base to gun; reload gun; upload from gun to base; display data (team data and player data); print date. The toy gun emits infrared light that is coded with a unique code, so that the player who is hit can identify which gun fired a particular shot (column 8, lines 37-41).

The examiner acknowledges in the Office action that Lebensfeld "does not provide user selectable game characters."

Jacobsen, U.S. Patent No. 5,785,592, discloses in Figure 1 a game in which a player can shoot at, among other things, a video target 88. The examiner contends that Lebensfeld in view of Jacobson suggests "having the ability to use the toy gun to shoot characters within a video screen and having video game features," but acknowledges Lebensfeld and Jacobsen "do not disclose having user selectable game characters." The examiner contends, however, that it is "known within the art of video game to have the ability to select game characters, each game character having their specific characteristics."

Applicant submits that even if the above-described modifications of the Lebensfeld game were in fact obvious, the resulting video game system would not involve the infrared beam being encoded differently for different user-selectable game characters, as is required by claim 1 as currently amended. Not only is there 1) no suggestion in Lebensfeld or Jacobsen to encode the

infrared beam in this manner (to identify a game character rather than merely the gun), but, additionally, 2) it would be pointless to encode the infrared beam in this manner if one were to have "the ability to use the toy gun to shoot characters within a video screen," because "characters within a video screen," unlike a human player, would not be able to detect the encoding of the beam. Moreover, 3) in games having video features, this kind of game character information ordinarily is simply stored electronically, and thus there would be no need to encode the beam to convey this information, and indeed it would be more cumbersome to do so.

The invention of claim 14 as amended provides an electronic toy gun for a toy shooting game, in which an infrared beam is emitted successively at each of a plurality of differing strengths and encoded differently at each of the differing strengths. An infrared beam emitted by another toy gun is detected at each of the plurality of differing strengths along with the differing encodings of the infrared beam. The detected infrared beam is categorized within one of a plurality of strength categories by determining whether the infrared beam detected by the beam detector is above a minimum threshold when encoded according to each of the differing encodings.

As is recited in claim 14 as amended, the infrared beam is categorized within the plurality of strength categories as a function of relative position of the infrared beam emitter and the beam detector. As is stated in the application as filed at page 9, line 30 through page 10, line 1, "[S]ignal strength is relied upon both as a means of determining the range at which a potential hit has occurred and the spread or angle from the robot at which it occurs." This is very different from merely detecting a code that represents the absolute strength of a weapon.

The examiner contends that claim 14, which recites emitting a beam successively at differing strengths and coding the beam differently at each strength, is obvious over Lebensfeld in view of Jacobson and Wong. Wong, at column 5, lines 35-46, simply mentions identifying a power level of a hit, but none of the references discloses the specific technique of claim 14. Rather, it appears that Wong simply detects a coded signal that represents the absolute strength of a weapon, completely independent of the relative position of the infrared beam emitter and the beam detector. There is certainly nothing in Wong to suggest otherwise.

The invention of claim 14 goes far beyond mere detecting a code that represents the absolute strength of a weapon. Lebensfeld, Jacobson, and Wong disclose nothing about emitting

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an infrared beam successively at each of a plurality of differing strengths and encoding it differently at each of the differing strengths, detecting an infrared beam at each of the plurality of differing strengths along with the differing encodings of the infrared beam, or categorizing an infrared beam within one of a plurality of strength categories by determining whether the infrared beam detected by the beam detector is above a minimum threshold when encoded according to each of the differing encodings, as required by claim 14.

Enclosed is a \$55 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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